

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

ANA S. ABREU CLASS

Debtor

CASE NO. 10-06849 BKT

CHAPTER 13

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now creditor, Cooperativa de Ahorro y Credito de Camuy, through its legal representation and very Respectfully States and Prays as follow:

- 1- Debtor filed the instant petition on July 30th 2010.
- 2- Debtor is in Pre-petition arrears with Cooperativa in the amount of \$16,441.31.
- 3- Debtor is again in post-petition arrears on the Mortgage Loan with Cooperativa de Ahorro y Credito de Camuy in the amount of \$787.82.
- 4- Debtor is once again in arrears with the Chapter 13 Trustee in the amount of \$1,420.00.
(See exhibit II)
- 5- This is debtor third Bankruptcy case. (98-16259 & 07-01937)
- 6- The Bankruptcy Case No. 07-01937 was dismiss for debtor failure to make payments to the Chapter 13 Trustee.
- 7- That Cooperativa de Ahorro y Credito de Camuy respectfully requested to this Honorable Court to Dismiss the instant case.

WHEREFORE

It is respectfully requested from this Honorable Court to Dismiss the instant case for all the abovementioned mentioned reasons.

NOTICE

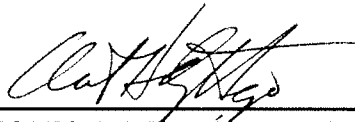
Within thirty (30) days after service as evidence by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper

with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 4th day of May 2011.

I HEREBY CERTIFY that on this same date a true and exact copy of this Motion to Dismiss has been notified to debtor's attorney, Chapter 13 Trustee and to all parties in interest through CM/ECF electronic filing.



ANTONIO I. HERNÁNDEZ SANTIAGO, ESQ.
USDC-PR 201602
PO BOX 8509
SAN JUAN, PR 00910-0509
TELS.(787)250-0575
FAX: (787)753-7655
EMAIL:ahernandezlaw@yahoo.com

CERTIFICATE OF SERVICE

I DO HERBY CERTIFY that on this date I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

- **ANTONIO I HERNANDEZ SANTIAGO** ahernandezlaw@yahoo.com
- **MONSITA LECAROSZ ARRIBAS** ustpreion21.hr.ecf@usdoj.gov
- **ALEJANDRO OLIVERAS RIVERA** aorecf@ch13sju.com
- **ALEJANDRO OLIVERAS RIVERA (DAT)** aorecf@ch13sju.com,
aorecf2@ch13sju.com
- **JAIME RODRIGUEZ-PEREZ** bayamonlawoffice@infoquiebras.com,
bayamonlawoffice@yahoo.com
- **MIRIAM D SALWEN ACOSTA** aorecf@ch13sju.com

I DO HERBY FURTHER CERTIFY that on the same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtors, Ana S. Abreu Class, P.O. Box 345 Camuy, PR 345 and to debtors attorney Jaime Rodriguez Perez at P.O. Box 9022275, San Juan, PR 00902-2275.

In San Juan, Puerto Rico, this 4th day of May, 2011.



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Camuy, Puerto Rico 00627
Tel. 787-898-4970 Fax 787-898-4955
E-mail: Info@CamuyCoop.com / Web: www.CamuyCoop.com

CERTIFICACIÓN

A: Lcdo. Antonio Hernández

De: Camuy Coop

Re: Ana Abreu Class, 36368-1

Caso: 10-06849, Cap. 13

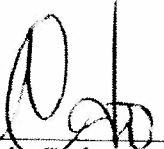
Deseamos certificar que la Sra. Ana Abreu Class, se encuentra actualmente con dos (2) pagos de su préstamo hipotecario al descubierto, luego de radicar al capítulo 13 del Tribunal Federal de Quiebras bajo el caso 10-06849. La cantidad adeudada por los dos pagos es de \$787.82. Aclaro que esta cantidad es sólo hasta el 4 de mayo, que luego del día 16 de mayo tendríamos que añadirle los recargos por la cantidad de \$18.76.

En dicho caso se reclamaron 27 pagos atrasados para un total de \$10,888.83 más gastos y honorarios por \$5,552.48, incurridos en el proceso legal, donde se obtuvo sentencia. Ante esto, solicitamos se emita moción para desestimar el caso ya que no están cumpliendo con sus pagos regulares según acordado al radicar.

Por otro lado, esta no es la primera vez que tenemos que solicitarle desestimación por incumplimientos de pagos de la propiedad. La señora Abreu efectúa sus pagos cuando sabe que se le solicita desestimación, de lo contrario no cumple. Por lo que solicitamos tener esto en consideración.

De necesitar información adicional, favor comunicarse al 787-544-4003.

Para que así conste, firmo hoy 4 de mayo de 2011 en Camuy, PR.



María Cedeño
Oficial de cobros

EXHIBIT II

PRINT INQUIRY

Close Window

Click Here to Print this Page

10-06849-BKT

ANA S ABREU CLASS (xxx-xx-7637)

PO BOX 345 • • CAMUY • PR • 00627

\$355.00 MO

Bar Date(s): 11/30/2010 (has passed) 1/26/2011 (has passed)

Trustee: ALEJANDRO OLIVERAS RIVERA

Attorney: HATILLO LAW OFFICE* JAIME RODRIGUEZ PEREZ

Confirmed: 10/1/2010

Case Status: ACTIVE

Debtor Pay Schedules							
Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action	
8/29/2010	60.00	\$355.00	MONTHLY	ANA S ABREU CLASS	8/10/2010		
8/29/2015	end of plan	\$0.00	MONTHLY	ANA S ABREU CLASS	8/10/2010		

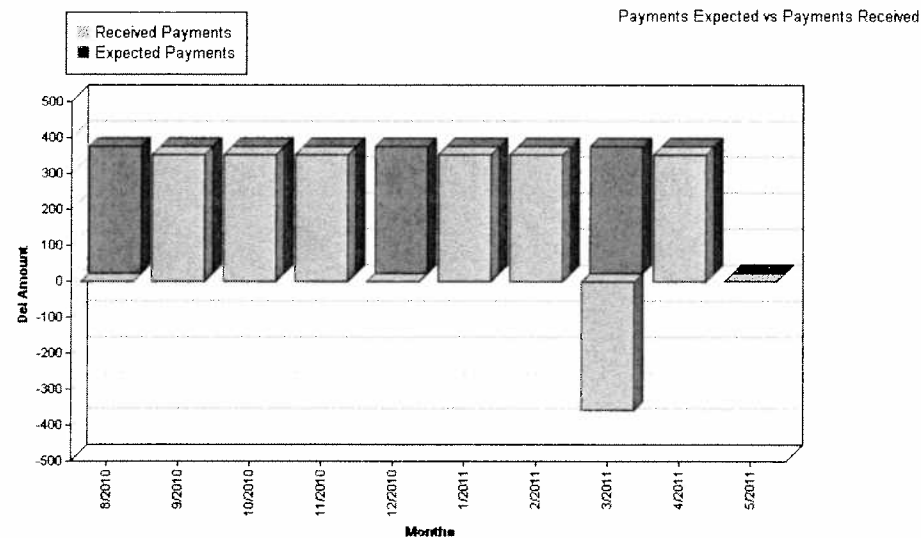
Forgive Information		
Date	Amount	Description

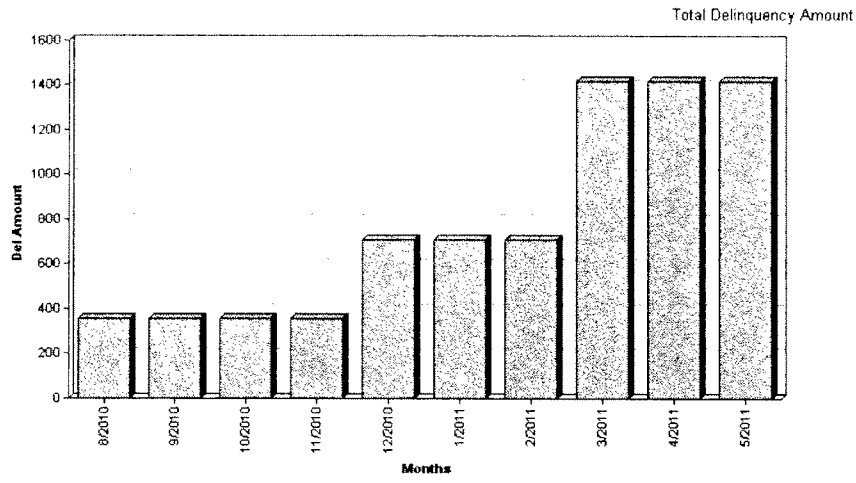
Payments Expected for Step 1:					
Period	Start Date	End Date	Payment Amount Expected	Total	
1	8/29/2010	9/28/2010	\$355.00	\$355.00	\$355.00
2	9/29/2010	10/28/2010	\$355.00	\$710.00	\$710.00
3	10/29/2010	11/28/2010	\$355.00	\$1,065.00	\$1,065.00
4	11/29/2010	12/28/2010	\$355.00	\$1,420.00	\$1,420.00
5	12/29/2010	1/28/2011	\$355.00	\$1,775.00	\$1,775.00
6	1/29/2011	2/27/2011	\$355.00	\$2,130.00	\$2,130.00
7	2/28/2011	3/27/2011	\$355.00	\$2,485.00	\$2,485.00
8	3/28/2011	4/27/2011	\$355.00	\$2,840.00	\$2,840.00
9	4/28/2011	5/27/2011	\$355.00	\$3,195.00	\$3,195.00
10	5/28/2011	6/27/2011	\$355.00	\$3,550.00	\$3,550.00
11	6/28/2011	7/27/2011	\$355.00	\$3,905.00	\$3,905.00
12	7/28/2011	8/27/2011	\$355.00	\$4,260.00	\$4,260.00
13	8/28/2011	9/27/2011	\$355.00	\$4,615.00	\$4,615.00
14	9/28/2011	10/27/2011	\$355.00	\$4,970.00	\$4,970.00
15	10/28/2011	11/27/2011	\$355.00	\$5,325.00	\$5,325.00
16	11/28/2011	12/27/2011	\$355.00	\$5,680.00	\$5,680.00
17	12/28/2011	1/27/2012	\$355.00	\$6,035.00	\$6,035.00
18	1/28/2012	2/27/2012	\$355.00	\$6,390.00	\$6,390.00
19	2/28/2012	3/27/2012	\$355.00	\$6,745.00	\$6,745.00
20	3/28/2012	4/27/2012	\$355.00	\$7,100.00	\$7,100.00
21	4/28/2012	5/27/2012	\$355.00	\$7,455.00	\$7,455.00
22	5/28/2012	6/27/2012	\$355.00	\$7,810.00	\$7,810.00
23	6/28/2012	7/27/2012	\$355.00	\$8,165.00	\$8,165.00
24	7/28/2012	8/27/2012	\$355.00	\$8,520.00	\$8,520.00
25	8/28/2012	9/27/2012	\$355.00	\$8,875.00	\$8,875.00
26	9/28/2012	10/27/2012	\$355.00	\$9,230.00	\$9,230.00
27	10/28/2012	11/27/2012	\$355.00	\$9,585.00	\$9,585.00
28	11/28/2012	12/27/2012	\$355.00	\$9,940.00	\$9,940.00
29	12/28/2012	1/27/2013	\$355.00	\$10,295.00	\$10,295.00
30	1/28/2013	2/27/2013	\$355.00	\$10,650.00	\$10,650.00
31	2/28/2013	3/27/2013	\$355.00	\$11,005.00	\$11,005.00
32	3/28/2013	4/27/2013	\$355.00	\$11,360.00	\$11,360.00
Total					\$11,360.00

Payments Expected for Step 2:				
Period	Start Date	End Date	Payment Amount Expected	Total
1	8/29/2015	9/28/2015	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules					
Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	8/2010	\$355.00			\$355.00
2	9/2010	\$355.00	\$355.00		\$355.00
3	10/2010	\$355.00	\$355.00		\$355.00
4	11/2010	\$355.00	\$355.00		\$355.00
5	12/2010	\$355.00			\$710.00
6	1/2011	\$355.00	\$355.00		\$710.00
7	2/2011	\$355.00	\$355.00		\$710.00
8	3/2011	\$355.00			\$1,420.00
9	4/2011	\$355.00	\$355.00		\$1,420.00
10	5/2011				\$1,420.00

Total Delinquent Amount: \$1,420.00





Department of Defense Manpower Data Center

May-04-2011 08:43:39



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
ABREU CLASS	ANA	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defense link.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:UMRPI8JOFF